

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1-6 stand rejected under 35 USC 102(a) as being anticipated by the publication "A Pressure Wave Generator for Pulse Tube Cooler" by Matsubara et al.

In response to this rejection, applicant encloses herewith a Declaration under 37 CFR 1.132 to establish that the disclosures made in the above-identified publication are a description of applicant's own work, and therefore cannot be relied upon or cited against the present application. Accordingly, it is respectfully submitted that the rejections under Section 102(a) based upon this publication are overcome, and that this publication is not a reference against the present application. Reconsideration and withdrawal of the rejections based upon the Matsubara et al. publication is hereby requested.

Claims 1-6 also stand rejected as being anticipated by WO 2004/088217 to Matsubara et al.

It is noted that the present application is a national stage application (371 filing date of December 14, 2004) and that the PCT application was filed on March 4, 2003. The present application also claims foreign priority via the PCT application to JP 2002-179141, which was filed on June 19, 2002.

The cited WO '217 publication was published on October 14, 2004. Since the WO'217 publication date is after the filing date of the PCT application that resulted in

the present 371 application, the WO '217 publication is not a reference under 35 USC 102(a) against the present application. Accordingly, the rejections based upon this reference have been overcome and should be removed.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. KIN-15833.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By


David E. Spaw, Reg. No. 34732

4080 Erie Street
Willoughby, Ohio 44094-7836
(216) 566-9700